

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

BETH CHANEY MacNEILL

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VS.

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NIRMAL JAYASEELAN, M.D.;  
DOMINGO K. TAN, M.D.; CHAD  
CARLTON, M.D.; TEXAS HEALTH  
HARRIS METHODIST HOSPITAL FORT  
WORTH; EMERGENCY MEDICINE  
CONSULTANTS LTD.; BAYLOR ALL  
SAINTS MEDICAL CENTER AT FORT  
WORTH; and EMCARE, INC.

CIVIL ACTION NO. 4-14-CV-242-O

**DEFENDANT EMERGENCY MEDICINE CONSULTANTS, LTD.'S  
AMENDED RULE 12(b)(6) MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Emergency Medicine Consultants, Ltd., one of the Defendants in the above-styled and numbered cause (hereinafter “Defendant”) moves to dismiss Plaintiff’s claims pursuant to Federal Rule of Civil Procedure 12(b)(6) for failing to state a claim upon which relief can be granted.

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Support for the Amended 12(b)(6) Motion to Dismiss is set forth in Defendant's Amended Memorandum in Support of Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted.

WHEREFORE, Defendant urges this Court, upon consideration and review of Defendant's Amended Memorandum in Support of Motion to Dismiss for Failure to State a

Claim Upon Which Relief Can be Granted, along with the other pleadings already a part of the Court's record in this case, to dismiss Plaintiff's claims and cause of action against Defendant for failure to state a claim upon which relief can be granted and for further relief to which it may be justly entitled under the law.

Respectfully submitted,

KRUEGER, BELL & BAILEY, LLP

By: /s/ Vernon L. Krueger

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EMERGENCY MEDICINE CONSULTANTS, LTD.

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2014 we electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this Notice as service of this document by electronic means.

/s/ Vernon L. Krueger